

Nondegradation Rules  
Summary  
November 2000  
Abe Horpestad

The nondegradation rules (17.30.701-717) are authorized by section 75-5-303 of the Water Quality Act. This section of the act requires the Board of Environmental Review to:

“adopt rules implementing the nondegradation policy established in 75-5-303, including but not limited to rules that:

- (a) provide a procedure for department review and authorization of degradation;
- (b) establish criteria for the following:
  - (i) determining important economic or social development; and
  - (ii) weighing the social and economic importance to the public of allowing the proposed project against the cost to society associated with a loss of water quality;
- (c) establish criteria for determining whether a proposed activity or class of activities, in addition to those activities identified in 75-5-317, will result in nonsignificant changes in water quality for any parameter in order that those activities are not required to undergo review under 75-5-303(3). These criteria must be established in a manner that generally:
  - (i) equates significance with the potential for harm to human health, a beneficial use, or the environment;
  - (ii) considers both the quantity and the strength of the pollutant;
  - (iii) considers the length of time the degradation will occur;”

Degradation is defined in the act as follows.

"Degradation" means a change in water quality that lowers the quality of high-quality waters for a parameter. The term does not include those changes in water quality determined to be nonsignificant pursuant to 75-5-301(5)(c).

The nondegradation rules apply to any activity of man resulting in a new or increased source, which may cause degradation. The department will determine whether a proposed activity may cause degradation based on information submitted by the applicant for all activities that are permitted, approved, licensed, or otherwise authorized by the department. A person may also submit an application to the department pursuant to (17.30.705) requesting a significance determination by the department.

If an activity will cause degradation, a person may request an authorization to degrade using the procedures given in 17.30.707.

The criteria for determining if changes in water quality are nonsignificant are given in 17.30.715. Very simplistically these are as follows. For carcinogenic substances—any change would be significant. For toxic substances---any change that would be measurable or would result in an “instream” concentration that would exceed 15 percent of the lowest applicable standard would be significant. For harmful substances---any change that would result in an “in stream concentration that would exceed 50 percent of the standard would be significant.”

**This is a very short and incomplete summary of the rules. You are encouraged to read the rules. If you have questions about them please contact:**

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